

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

JASON SMITH,

Plaintiff,

v.

Case No. 8:22-cv-2281-AAS

KILOLO KIJAKAZI,

Commissioner,

Social Security Administration,

Defendant.

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ORDER

Jason Smith moves for attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. Section 2412. (Doc. 21). The Commissioner does not Mr. Smith's motion. (*Id.* at p. 2).

Mr. Smith requests \$3,067.24 in attorney's fees and \$400.00 in costs. (*Id.* at p. 1). The EAJA permits awards for reasonable attorney's fees and costs to a prevailing party against the United States. 28 U.S.C. § 2412. A May 8, 2023 order remanded the Commissioner's final decision under sentence four of 42 U.S.C. Section 405(g) for further administrative proceedings. (Doc. 19). The Clerk entered judgment in Mr. Smith's favor. (Doc. 20).

The Commissioner does not contest the following: Mr. Smith is the prevailing party; Mr. Smith's net worth was less than \$2 million when he filed his complaint; the Commissioner's position was not substantially justified; and

Ms. Smith's attorney's fees request are reasonable. A court should grant a Social Security claimant's request for attorney's fees when it is unopposed. *See Jones v. Colvin*, No. 8:13-CV-2900-T-33AEP, 2015 WL 7721334 (M.D. Fla. Nov. 30, 2015) (awarding unopposed attorney's fees request). Thus, Mr. Smith is entitled to \$3,067.24 in attorney's fees and \$400.00 in costs.

Attorney's fees awarded to a claimant under the EAJA can be offset to satisfy the claimant's pre-existing debt to the United States. *Astrue v. Ratliff*, 560 U.S. 586, 589 (2010). Following an order, the United States Department of the Treasury will determine whether Mr. Smith owes a debt to the United States. Mr. Smith assigned his rights to EAJA fees to his attorney. (Doc. 21, Ex. 2). So, if Mr. Smith has no federal debt, the United States will accept his assignment of EAJA fees and pay the fees directly to counsel.

Accordingly, Mr. Smith's motion for attorney's fees under the EAJA (Doc. 21) is **GRANTED**. Mr. Smith is awarded **\$3,067.24** in attorney's fees and **\$400.00** in costs.

ORDERED in Tampa, Florida on July 13, 2023.



AMANDA ARNOLD SANSONE
United States Magistrate Judge